

Laura Bailey Brown

From: Laura Bailey Brown
Sent: Thursday, August 30, 2018 9:44 AM
To: Erin Dornbos
Cc: Sarah Riley Howard; Laura Amtsbuechler; Julie Doll
Subject: RE: Oard v. Muskegon County - Defendants' Second Supplemental Production of Documents

Erin:

Generally speaking, although we disagree with your statement that you are entitled to documents relating to any alleged romantic relationships Mr. Stevens had with County employees, particularly as those relationships are not relevant to Mr. Oard's age and gender discrimination claims, we have produced all of the documents of which we are currently aware relating thereto.

In terms of the specific requests you address in your email below, we have no documents to produce in response to request 9 as it is our current understanding that there was no investigation into Ms. Nelson. We will supplement our written response to clarify.

We further produced all the documentation we have relating to both Mr. Stevens's and Ms. Nelson's resignations, and we produced the totality of their personnel files. Thus, we are withholding no documents of which we are currently aware in response to requests 7, 8, and 14.

We will also supplement our written response to request 20 to indicate that we have produced all of the documents of which we are currently aware relating thereto.

With that said, as I'm sure you understand, we reserve our objections in the event we discover additional responsive materials as we move through discovery. If that occurs, we will either supplement our responses and production (as we have done thus far) or provide a supplemental privilege log identifying documents withheld on the basis of privilege.

On a related note, the privilege log we provided with our production last week details all of the documents that have been withheld or otherwise redacted to-date, as well as the basis for the withholding.

If you would like to discuss this further, I will be in the office for most of the day today and tomorrow. Please let me know if there is a convenient time.

Laura



JOHNSON ROSATI
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From: Erin Dornbos <edornbos@psfklaw.com>

Sent: Monday, August 27, 2018 2:59 PM

To: Laura Bailey Brown <lbrown@jrsjlaw.com>; Sarah Riley Howard <showard@psfklaw.com>

Cc: Laura Amtsbuechler <lamtsbuechler@jrsjlaw.com>; Julie Doll <jdoll@jrsjlaw.com>

Subject: Re: Oard v. Muskegon County - Defendants' Second Supplemental Production of Documents

Laura,

Thank you for the supplemental answers and documents. You have still not provided documents in answer to requests 9 and 20 and appear to have withheld at least some documents responsive to other requests, including 7, 8, and 14. We are entitled to documents and communications related to the investigation into Mr. Stevens's romantic relationships and hiring practices, as well as to investigations that resulted in the abrupt resignations of Mr. Stevens and Ms. Nelson, and other responsive information supporting or refuting that Mr. Stevens engaged in romantic or sexual relationships with other employees. As we've discussed, we know there was an investigation into the conduct of Mr. Stevens as it related to inappropriate/discriminatory employment practices. And, we have strong reason to believe that Mr. Stevens's and Ms. Nelson's resignations were related to the workplace relationships and resultant investigations. All of these issues are directly relevant to Mr. Oard's claim of discrimination, and no claim of proportionality or confidentiality would support withholding responsive information.

If there are documents you are withholding due to claimed attorney client or work product privilege — which you have noted as an objection on multiple answers — please itemize each document, with the names of to/from whom the communication was directed, the date of the communication, and the request to which the communication is responsive, so that we can evaluate the claim of privilege.

We are preparing a motion to compel regarding the above information and will be filing by the end of the day tomorrow. Can you please let me know your official position regarding concurrence or non-concurrence on the motion? If you would like to discuss any of the above by phone, we are available tomorrow.

Thank you,

Erin

cc: Sarah

From: Laura Bailey Brown <lbrown@jrsjlaw.com>

Date: Friday, August 24, 2018 at 3:15 PM

To: Sarah Riley Howard <showard@psfklaw.com>, Erin Dornbos <edornbos@psfklaw.com>

Cc: Laura Amtsbuechler <lamtsbuechler@jrsjlaw.com>, Julie Doll <jdoll@jrsjlaw.com>

Subject: Oard v. Muskegon County - Defendants' Second Supplemental Production of Documents

Sarah and Erin:

Please see the following link, which includes Defendants' second supplemental production of documents: <https://login.filesanywhere.com/fs/v.aspx?v=8c69648d5d6272b19fa8>. As you will see from the link, included in the production are documents bates labeled 1298-D through 1702-D, as well as a revised Bates-Stamped Document Index identifying the records. The link will expire in 60 days, so please download the documents at your convenience. Please note that we have also mailed a disc containing the documents to you as well.

Please also see the attached supplemental responses to Plaintiff's first interrogatories and requests to produce, as well as a supplemental privilege log.

Have a nice weekend,

Laura



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